

**REMARKS**

Claims 2, 9, 10, 13, 14, 18 and 21 have been canceled.

Claims 1, 7, 8, 11, 12 and 15 stand rejected under 35 USC 112, first and second paragraphs. Applicants have overcome these rejections by amending the claims to more clearly recite the facial images, facial image data and image data recited in the claims.

Claims 1-20 and 22 stand rejected under 35 USC 102(e) on Kinjo (U.S. Patent No. 6,813,395). Applicants respectfully traverse this rejection.

The independent claims 1, 7, 8, 11, 12, 15 and 22 have been amended to recite the graphical comparison of retrieval key images and images stored in an image database in order to determine if any of the images contain facial images analogous to the facial image data used to create the retrieval key images. Kinjo does not disclose or suggest such a feature. Instead, Kinjo discloses identifying all of the prominent features of images to be stored, reducing the features to a chart that details the graphical make up of the features and then storing the chart along with the images. Accordingly, when Kinjo's apparatus is used to search stored images to find images having features similar to those found in a selected image, Kinjo reduces the feature of the selected image to a chart and then compares the chart to the stored chart to retrieve images having similar entries. Kinjo does not perform any graphical comparisons nor does Kinjo compare anything to an image. Kinjo only compares tabular information indicating the prominent features of images to each other.

Furthermore, applicants have amended the independent claims to recite selecting facial image data by selecting a point in an image, determining if the point is part of a facial image and then selecting the facial image, wherein these steps are performed contemporaneously. No such features are disclosed or suggested by Kinjo. In contrast, prominent features are selected in Kinjo by outlining the entire figure by drawing lines around the figure, by sizing predetermined shapes or by providing mathematical equations. Kinjo does not disclose determining if a selected point is part

of a facial image. Such a feature would not be useful in Kinjo because the prominent features in Kinjo include many items other than facial images.

Accordingly, claims 1, 7, 8, 11, 12, 15 and 22 are allowable over Kinjo. Claims 3-6, 16 and 17 depend from allowable base claims and are therefore also allowable.

By canceling claim 21, applicants have mooted the Examiner's rejection thereof under 35 USC 103(a).

Applicants solicit an early action allowing the claims.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 245402004000.

Dated: October 28, 2005

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